

REMARKS

A final Office Action was mailed in this application on February 9, 2007, rejecting claims 1-30. Applicant cancelled claims 20 and 26, and made formal amendments to the claims, in an after-final response, and these amendments were entered. Applicant appealed.

On appeal, the Examiner indicated that claims 13-18 were allowed. *See Examiner's Answer mailed November 28, 2007, page 2.* The Board of Patent Appeals and Interferences noted that these claims were indicated as allowable, and treats them accordingly. *See Decision on Appeal mailed November 24, 2009, page 3.* The Board otherwise affirmed the Examiner's rejection of claims 1-12, 19, 21-25, and 27-30.

The amendments above are made to the state of the claims on Appeal, including the entered after-final amendments. These amendments are filed with an Request for Continued Examination to cancel the rejected claims for which the rejection was affirmed, and to enter additional claims corresponding to the allowed claims. This RCE is timely filed within two months of the mailing date of the Decision on Appeal.

Claims 1-12 and 19-30 are cancelled.

Claims 13-18 are allowed.

New claims 31-44 are submitted herewith. They are supported in the specification as filed at Page 4, lines 6-22; page 21, line 15 – page 23, line 4; and Figures 1, 2, and 4-6.

All claims are therefore believed to include subject matter indicated as allowable by the Examiner and so considered by the BPAI, and prompt consideration and allowance is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-3, and 7-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over what the Examiner characterized as “Applicant’s Admitted Prior Art” (hereinafter “APA”) in view of U.S. Patent No. 6,418,322 to *Kim, et al.*, (hereinafter “Kim”). Claims 4, 5, 10, and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim in view of U.S. Patent Application Publication No. 2002/0090947 to *Brooks, et al.*, (hereinafter “Brooks”). Claims 6 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over APA in view of Kim and Brooks, and further in view of U.S. Patent Application No. 2002/0068586 to *Chun, et al.*, (hereinafter “Chun”). Claims 19-21 and 25-27 were rejected as obvious over APA in view of U.S. Patent Application Publication No. 2004/0029604 to *Raaf*, (hereinafter “Raaf”). Claims 22, 23, 28 and 29 were rejected as obvious over APA in view of Raaf, and further in view of Brooks. Claims 24 and 30 were rejected as obvious over APA in views of Raaf and Brooks, and further in view of Chun.

These rejections were affirmed, and these claims are cancelled.

ALLOWABLE SUBJECT MATTER

The Examiner and BPAI indicate that claims 13-18 are allowed. New claims 31-37 and 38-44 are directed to a base station and wireless network, respectively, that includes the subject matter of allowed claims 13-18. Prompt consideration and allowance is respectfully requested.

SUMMARY

For the reasons given above, the Applicant respectfully requests reconsideration and allowance of the pending claims and that this application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at jmockler@munckcarter.com.

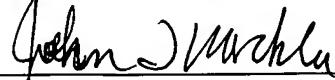
The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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Date: 21 Jan. 2010

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